Slaves, Fetuses, and Animals: Race and Ethical Rhetoric

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Abstract:

This essay is an exploration in ethical rhetoric, specifically, the ethics of comparing the status of fetuses and animals to enslaved Africans. On the view of those who make such comparisons, the fetus is treated as a slave through abortion, reproductive technologies, and stem cell research, while animals are enslaved through factory farming, experimentation, and as laborers, circus performers, and the like. I explore how the apotheosis of the fetus and the humanization of animals represent the flipside of the subjugation and animalization of black people. At their ethical best, those who compare aborted fetuses and abused animals with enslaved black people have laudable ethical goals. The anti-abortion right and the animal rights left, respectively, wish to abolish abortion (and associated reproductive technologies that harm prenatal life) and the unethical treatment of animals. They seek, respectively, to reimagine the ethical-political status of the fetus and to criticize the animalization of animals, the practice of constructing them as beasts. While sympathetic to these goals, I worry about the comparative diminution of the historical, literal enslavement of black people. To what extent, I ask, does the comparative ethical rhetoric of fetal slaves and animal slaves affect historical constructions of black people as beastly and disposable?

Keywords: ethical rhetoric | slaves | fetuses | animals | white supremacy | race

Article:

> By 1860 the dollar value of America's slaves—there were about four million slaves by 1860—but the dollar value of those slaves was greater than the dollar value of all of America's banks, all of America's railroads, all of America's manufacturing combined. When you look at how the economics of slavery translated into the general economy of the nation, then you can see that slavery was not just some side show in American

> society, it was the main event in American history. —*James Horton, Emeritus Professor of History at George Washington University (Dewery 2012, quote begins at 3:55)*

Slavery (as well as the dispossession of Indian land) was the primitive stage of capital accumulation in American history. Or, given its outsized role in the economy of the Atlantic world during the eighteenth and nineteenth centuries, the traffic in enslaved Africans was not merely a phenomenon of primitive accumulation. Slaveholder capitalism was the definitive form of capital accumulation (Johnson 2013, 10–11, 244–79, especially 254). We should not be surprised that this act of wealth production through pillage and theft (see Marx 1976, 873–942) has left multiple traces in ethical rhetoric. Some of these traces preceded the wholesale enslaving of Africans during the Atlantic slave trade. For example, slavery has been used as a trope for ignorance, sin, or, conversely, subjection to the will of the biblical god; Pauline Christians described themselves as "slaves of Christ" (see Martin 1990). Other rhetorical traces appear to be deeply rooted in the specificity of enslaved Africans[1] : for example, the Victorian and Progressive Era trope "white *slavery*," which plays on the normative construction of slavery as a black phenomenon. White slavery refers prototypically to the sexual exploitation of white women through prostitution (Irwin 1996). *Theoretically*, any woman could be sexually exploited. Under slavery, where sexual assault against black women (and men) was a property right, only white women were regarded as *victims* of sexual exploitation. Whiteness normed the very idea of who could be an object of moral concern. The white slavery trope provides a racial and gender contrast to the normativity of African enslavement. As image and norm among norms, the *transgender* enslaving of black people stereotyped the very idea of slavery.

I contend that the anti-slavery movement—the struggle against the chattel enslavement of people of African descent—provides the model for social movements against abortion and the unethical treatment of animals. By defining prenatal human life and animals as slaves, participants in these movements adopt the ethical rhetoric of the antebellum abolitionists. Ascriptions of personhood and of species-transcending rights carry the moral imperative to abolish abortion, reproductive technologies, the therapeutic use of fetal stem cells, and the unethical treatment of animals. The latter practice includes consuming animals as food, wearing them as clothing, and "processing" them for various purposes. In the fetus-as-slave and animal-as-slave tropes, we confront an ethical-political struggle regarding the propriety of certain forms of ethical rhetoric and ultimately the very meaning of slavery and abolition. These discourses regarding the ethical status of fetuses and animals, respectively, transcend the conventional left/right ideological spectrum. By taking the enslavement of black people as a historical marker and living metaphor, these forms of ethical rhetoric represent a peculiar manifestation of the discourse of race.

Slavery and Racialization

In *Slavery and Social Death: A Comparative Study*, Orlando Patterson challenges three fallacies: the modern legalistic notion that ownership and property rights define slavery, the claim that slaveholding societies did not recognize slaves as persons in law, and the alleged uniqueness of

enslaved people as disposable capital. On the contrary, he argues: "Proprietary claims and powers are made with respect to many persons who are clearly not slaves. Indeed any person, beggar or king, can be the object of a property relation. Slaves are no different in this respect" (Patterson 1982, 21). Second, concluding that slaveholding societies did not recognize the personhood of slaves confuses jurisprudence (the philosophy of law) with the historical and empirical practice of law. Always and everywhere, slaves have been subject to law: their personhood acknowledged in practice even if denied theoretically. Finally, capitalist, "free-market" relations subject everyone to being bought and sold, whether sex worker or professional athlete. Few workers (slave or free) have the power to significantly influence the terms of their commodification. The market subjects every worker to depreciation. All persons can be treated as capital; slaves are merely the most vulnerable and disposable form of interest-bearing property (Patterson 1982, 21–24).

Against these inadequate accounts, Patterson offers the following definition: "slavery is the permanent, violent domination of natally alienated and generally dishonored persons" (Patterson 1982, 13). Unlike indentured servitude, slavery has no term-limit. Lifelong and heritable, the children of enslaved people are born as slaves. Violent subjection and domination underwrites a permanent relationship between owner, human chattel, and offspring. Slavery institutionalizes and structures violence through law, ritual, and etiquette. Cut off from her community of birth— from ancestors and descendants—bereft of the mutuality, recognition, and honor those relations sustained, and deprived of a legal right to her own life, the enslaved person is socially dead. As a substitute for the actual death defeated enemies "deserve," *social death* places her outside the regime of recognition, honor, and rights (Patterson 1982, 26, 38–39, 95–96). Patterson concludes by arguing that slavery is a form of human parasitism. Like a noxious bloodsucker, the slaveholder/parasite feeds on the life, body, and capacities, of the enslaved/host. Virtually without exception, slaveholders describe their act of violently subjugating and dominating others as premised on the dependence of the enslaved. By ideologically inverting and mischaracterizing the truth, they present the slaveholder/enslaved relationship as benevolent. Educated by the experience of slavery, no one desires freedom more intensely than the enslaved (Patterson 1982, 335, 337, 339, 341–42). Conversely, no one fears enslavement more than slaveholders.

Slavery as metaphor for the relation between fetus and pregnant woman and for the unethical treatment of animals presupposes a long history of racialization: specifically, the construction of an isomorphism between blackness, African, and slave. Prior to the Atlantic slave trade (and contemporaneous with it), Mediterranean and Indian Ocean slave traders plied their ugly business. Arab traffickers were prominent in both trades and Africans[2] were well represented among those captured and sold. Africans were hardly the only people enslaved: Europeans were trafficked along the Barbary Coast between 1500 and 1800 CE, their numbers significant enough to impress memory and leave material traces (Davis 2004, 3–5, 24–26). Despite the presence of white slaves, the association of slavery, blackness, and Africans was already well established

among Arab and Iberian slave traders when the transatlantic trade began. According to Patterson, "In every slaveholding society, we find visible marks of servitude, some pointed, some more subtle. Where the slave was of a different race or color, this fact tended to become associated with slave status—and not only in the Americas." Indeed, Africans perceived racial differences among themselves (Patterson 1982, 58). From the very "beginning of the Atlantic slave trade in the fifteenth century Black and slave were inextricably joined in the Christian mind" (Goldenberg 2003, 3). Why did Christians make this association? How did slavery become a black phenomenon, an attribute of and the presumed status of Africans?

To explain this association, David M. Goldenberg turns to the peculiar biblical story of Noah and Ham in which, after waking from a drunken stupor, Noah somehow knows that his son Ham has behaved disrespectfully toward him while he was vulnerable. Unlike his brothers who averted their eyes and discreetly covered their drunk and naked father, Ham reacted with glee, if not with "perverse" desire.[3] In the most peculiar part of the story, Noah reacts to Ham's indiscretion in a bizarre manner by cursing his own grandson Canaan, Ham's son. An angry Noah proclaims: "Cursed be Canaan; a slave of slaves shall he be to his brothers" (Gen. 9:25). From antebellum America stretching back more than a millennium, commentators have cited the misnamed "Curse of Ham" as justification for enslaving black people. The curse is usually interpreted as holding force in perpetuity. Goldenberg attributes responsibility for the association of black people and slavery to a postbiblical tradition of interpretation, according to which "phenotypically black people" descend from Canaan. Interpreters take the widespread practice of enslaving Africans as confirming the biblical story.

Goldenberg provides a number of reasons for associating black skin with slavery. First, he describes an apparent universal preference for lighter complexioned women across racial groups.[4] He argues that the aesthetic preference for fair skin binds up with a universal color symbolism that associates light with good and dark with bad. Goldenberg denies the literal or ethnic nature of this symbolism. The blackness of Cain, Ham, and Esau refers to their ethical status and relationship to God, not to their literal skin color. We see the same interpretive practice when Origen takes "the blackness of the Ethiopians as a metaphor for sin" (Goldenberg 2003, 3, 82–83, 155).[5] But mistaken etymologies did lead some to think that Ham meant hot, dark, or black, and therefore that his descendants were Africans. Goldenberg shows that these etymologies are mistaken. "To the early Hebrews, then, Ham did not represent the father of hot, black Africa and there is no indication from the biblical story that God intended to condemn black-skinned people to eternal slavery" (Goldenberg 2003, 141, 144, 149). Goldenberg also denies that blackness was a racial descriptor for postbiblical Jewish writers such as Philo or for the early church fathers (Goldenberg 2003, 151). Independent of this biblical story, people in the Roman world and the Near East had come to associate black people with slavery.[6] Most black people they encountered were enslaved. After the Muslim conquest of North Africa in the seventh century, these disparate traditions of color symbolism and false etymologies regarding the meaning of the name "Ham" fatefully combined with old associations

between slavery and Africans. Goldenberg remarks that "The two independent Near Eastern etiologies of slavery and dark skin were joined to create a new etiology of the Black slave, thus underpinning the new social order" (Goldenberg 2003, 170–71). Eventually, this interpretation became ubiquitous among Muslims, Christians, and Jews:

> In the Arabic-speaking world, where the enslavement of black Africans was extensive and early, reliance on the Curse never ceased. Among Jewish writers in the Christian West, we begin to see a Curse of Ham mentioned at the same time that Christian writers mention it, for example, in Moses Arragel's fifteenth-century Castilian commentary to the Bible (on Gen 9:25): "Canaan was a slave from slaves [that is, his father, Ham was a slave]: Some say that these are the black Moors who, wherever they go, are captives." It is not clear who the "some say" are. In any case, beginning in the fifteenth century Jews too rely on the verse in their explanations for the state of things in the world. …
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> As the Black slave trade moved to England and then America, the Curse of Ham moved with it. … It was *the* ideological cornerstone for the justification of black slavery. *(Goldenberg 2003, 175)*

Goldenberg's account of the postbiblical career of the Curse of Ham (the afterlife of the biblical Curse of Canaan) provides a conceptual history of the racialization of slavery.[7] In seventeenth-century Virginia, politicians codified this race-making statutorily by distinguishing slavery from indentured servitude. In contrast to white bonded servants, these laws deemed the servitude of black people as permanent and heritable.

One could argue that the racialization of New World slavery, especially in the United States of America, represents the definitive act in the construction of racial identity. In a world where the indigenous population was reduced through the genocidal effects of microbial shock, dispossession, and government supported policies of extermination that construed natives as a dying race that needed a not so gentle push, black equaled slave and white equaled free. This was the historical matrix of racialization in America. "Slave" is the primordial and prototypical Blackamerican identity and it shadows all subsequent iterations.

Dred Scott, Jane Roe, and the Fetus

In the wake of *Roe v. Wade,* the 1973 U.S. Supreme Court decision legalizing abortion, one of the great conceits of the anti-abortionist position has been the claim that the fetus is the new Dred Scott. An enslaved man of African descent, Scott's peripatetic subjection to three successive slaveholders carried him from Illinois to the Wisconsin territory, St. Louis, Missouri, Louisiana, and again to St. Louis. While subject to John Emerson, a slaveholder and army physician, Scott married Harriet Robinson. Marriage brought the fear of family separation. Splitting enslaved families to cover debts or as punishment (selling them down the river) was among the cruelest and most-anxiety-producing practices of slaveholders. According to Austin Allen, Dred and Harriet Scott "worked together as a family unit whose actions centered on

preventing the separation of themselves and their children." They had two daughters and were doing everything they could, within their constrained circumstances as enslaved people, to hold their family together (A. Allen 2006, 140, 143, 147). In 1846, after his attempt to purchase freedom for self and family was rebuffed by Emerson's widow, Scott sued for freedom in a St. Louis circuit court (Finkelman 1997, 14–19). Without prejudice to a subsequent filing, the court dismissed the case on a technicality. In a second trial, the court held in favor of Dred and Harriet Scott. Irene Emerson appealed the decision to the Missouri Supreme Court, which overruled the circuit court and ended a nearly three decade practice of granting the appeals of enslaved petitioners in similar cases. Scott took his petition to federal court and it eventually landed on the docket of the Supreme Court of the United States (Finkelman 1997, 22–23, 27). The defendant in the case was John A. Sanford (misspelled by the court as Sandford), the brother and business agent of Irene Emerson. In*Dred Scott v. Sandford* (1857), the court denied Scott's petition for freedom and affirmed his status as a slave. The court held that blacks could never be citizens of the United States and declared unconstitutional the Missouri Compromise that—in the interest of white people, slaveholders and non-holders alike—had moderated intersectional strife for two generations by permitting slavery in Missouri while prohibiting the practice in the western territories and the northern part of the Louisiana territory (Finkelman 1997, 4, 6, 36).

In a strange historical twist, the Scotts were emancipated the same year that the Supreme Court ruled against them. Irene Emerson, the woman who for eleven years had contested their petitions for freedom, married a man who opposed slavery. In deference to him, she gave possession of the Scotts to Taylor Blow. The son of Dred Scott's original owner and an opponent of slavery, Blow set the Scotts free. Dred Scott lived the rest of his life as a freeman. But his taste of freedom was bitterly short. He died from tuberculosis in 1858 (Waltz 2007, 140). History has not recorded the fate of Harriet and the girls. The Dred Scott decision underscored the undeniable fact that the Constitution of the United States was the very proslavery document that William Lloyd Garrison condemned as "a covenant with death and an agreement with hell" (Mayer 1998, 531). As an essential feature, conditioning its very possibility, the Constitution codified the acts of enslaving, subordinating, and racializing of black people (Graber 2006, 12).[8] Insofar as we take the Dred Scott/fetus allegory seriously, I think that the recent spate of anti-abortion personhood amendments is best understood in light of Chief Justice Taney's infamous remarks about the status of black people:

They had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior, that *they had no rights which the white man was bound to respect*; and that *the negro might justly and lawfully be reduced to slavery for his benefit*. He was bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it. This opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics, which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and

habitually acted upon it in their private pursuits, as well as in matters of public concern, without doubting for a moment the correctness of this opinion.[9]

Through a creative misreading of the Dred Scott case among other things, anti-abortionists make the normative claim that the fetus is a person. Personhood is not only an argument for the humanity of the fetus but also for its rights-bearing ethical-political status. On this view, the fetus, the unborn, is a subject of rights in ways that the dead are not. In a very limited sense we do recognize the dead as subjects of rights. Though only the living can vindicate the rights of the dead, we generally recognize such rights by placing sanctions on the abuse of the corpse and the desecration of burial places.[10] Insofar as anti-abortionists construe Dred Scott as a case about the personhood of enslaved black people, they misread the meaning of the case. The justices denied neither the humanity nor personhood of black people. Rather, the justices affirmed the degraded status, legal inferiority, and non-citizenship of black people: their exclusion from the ethical-political community.

During the past few years, a wave of personhood amendments has captured the public's attention.[11] These state-level efforts seek to curtail and eventually eliminate abortion and fetal stem cell research by promoting the personhood rights of the unborn through constitutional amendments. In some respect, they are tactical responses to the failure to pass such an amendment to the U.S. Constitution. The website of the anti-abortion group Personhood USA claims: “Personhood is a movement working to respect the God-given right to life by recognizing all human beings as persons who are ‘created in the image of God’ from the beginning of their biological development, without exceptions” (Personhood USA 2013). The group's website is professionally maintained, exhibits high quality “production values,” and is easy for users to navigate. A striking feature of the homepage is an introductory video clip featuring an image of Martin Luther King, Jr. speaking at what appears to be the Lincoln Memorial. A narrator claims that “personhood is the new civil rights movement of the twenty first century.” Adjacent to this screen is a list of Twitter posts. On the day I accessed the site, one post read: “Black women r 12% of the population but 37% of #abortions [sic]. … U betraying the black race!” Another post read: “Slavery was once legal! We will end abortion!” (Personhood USA 2013). If you click the “What is Personhood?” link (located below a redundant link to the homepage in the top-right corner) and scroll to the bottom of the page you will find a quote attributed to the Virginia Supreme Court (1858): “In the eyes of the law … the slave is not a person” (Personhood USA 2013). An accompanying passage explicitly associates the personhood of slave and fetus: “Throughout history, certain people [and] groups have felt the brunt of a system which denied their humanity, stripped their personhood, and subjected them to horrors beyond measure. While the legal framework that made such horrors possible has now been removed, it remains firmly in place for preborn Americans” (Personhood USA 2013).

This web content, as well as the posts, reveal two ways that race plays a role in anti-abortion discourse. The first Twitter post associates abortion with black genocide and the alleged racial treachery of black women. In the second post, the writer does not explicitly say that abortion is

tantamount to slavery. Nor does the post address the dominant racialized image of the slave as black. But associating abortion with slavery marks the fetus, potentially, as black. The web text makes the slave/fetus association explicit. Within a white supremacist economy of perception, observers perceive those racially marked as deviant. As the norm that constructs and governs racial perception, whiteness goes unmarked—it represents *normality*, the unspoken norm. Normative whiteness governs discussions of the unborn; thus the fetus is typically racially unmarked, universal, and white. In contrast to the black body of the slave, the ideal image of the fetus in anti-abortion discourse is white. On the basis of these depictions as well as others, I discern four racial constructions of the fetus. First, the unmarked fetus is normatively white. Second, discourse regarding genocide marks the fetus as black.[12] (In this peculiar exception to the typical racial construction of the fetus, there is an odd ideological "marriage of convergence" between retrograde white anti-abortionists and paranoid Black Nationalists.) Third, white supremacist accounts, in contrast to Black Nationalist ones, construe the identity of the fetus under genocidal threat as white.[13] Finally, when anti-abortionists associate the fetus with the slave (read: enslaved black person), an oblique and ambiguous act of racializing occurs—this represents a tactical move and performative act of ethical rhetoric that makes the ostensibly unmarked fetus "pass" as black.

Fetal Slaves and Female Slaveholders

I know of no one who claims that fetuses are literally subject to enslavement. The slave analogy is obviously a metaphor, a piece of ethical rhetoric. The metaphor seduces people to think differently about the ethical status of the unborn.[14] Debora Threedy's "Slavery Rhetoric of the Abortion Debate" (1994) represents, in my view, the best effort to sort through this issue. Threedy is clearly aware of the standard definition of rhetoric as the persuasive use of language. She notes that rhetorical appeals are typically rational, emotional, and/or ethical. Though she does not cite Kenneth Burke, it is apparent that she views rhetorical terms as "terministic screens" (Burke 1966, 50)—they enable our ability to see some things while disabling our vision of others. Threedy analyzes the use of the slave metaphor in legal arguments by advocates and opponents of women's reproductive freedom. The object of my analysis concerns the perspective these metaphors provide regarding the racialization of black people. Throughout this section, I refer to advocates of women's reproductive freedom and opponents of abortion, respectively, as "pros" and "contras."

The particulars of Threedy's analysis play as follows: pros construe unwanted pregnancies and the denial of abortion as tantamount to enslaving the pregnant woman, of subjecting her to the dominion of the fetus; in contrast, contras construct the fetus—indeed, the unborn at every stage of development—as enslaved by pregnant women and their medical enablers. On the one hand, the pregnant woman is the slave, on the other, the fetus. In their train, these analogies pull many of the standard associations: the humiliation of enslavement, the illegality of resistance and escape, and the Underground Railroad as path to freedom. Threedy identifies a duality and subtlety in the contras' argument that the pros lack. Contras claim explicitly that the Supreme

Court decision in *Roe v. Wade* (1973) is analogous to *Dred Scott v. Sandford* (1857). If slaves had no rights that a white man was bound to respect, then the contemporary culture of death has no respect for the unborn (Threedy 1994, 2–3).

Threedy comprehends the ethical problems associated with the use of the slave metaphor in the abortion debate.[15] Do pros and contras use the historic enslavement of black people cynically or otherwise inappropriately? While acknowledging that the class "enslaved black people" included many pregnant women and their fetuses, does the appropriation of the slave metaphor trivialize the nature of racial slavery and do an injustice to the ethics of memory?[16] Do these metaphors operate perversely as terministic screens that enable us to forget the terror and the horror of slavery? Are they goads to forgetfulness, an immoral holiday?[17] In short, are these metaphors racist through intention and/or in effect? These are my questions but they accord with Threedy's concerns: "To analogize the slave to the helpless, irrational (because pre-rational), voiceless and utterly dependent fetus reflects, at best, an unconscious paternalism and, at worst, a comparison that is as offensive as the antebellum legal analogy of the slave to a horse or cow" (Threedy 1994, 5) She argues against conflating the dependence of slave and fetus: "The fetus is voiceless and dependent, not because the law renders it so, but because the fetus has not developed biologically to that point where speech or autonomy is possible" (Threedy 1994, 5). This biological and developmental status must be distinguished from the ideological construction of enslaved Africans as dependent. Insofar as enslaved Africans were dependent, it "was the consequence of law and society, and not of biological constraints" (Threedy 1994, 5).

While Threedy criticizes the contras' use of the slavery metaphor, the pros do not escape her gimlet-eyed critique:

> To suggest that the life-long and all-encompassing condition of the slave is comparable to the temporary condition of pregnancy, or to imply that the degradation and abuse that slaves endured is comparable to the impositions of an unwanted pregnancy, can be seen as trivializing the enormity of the injury that generations of slavery inflicted upon African Americans. *(Threedy 1994, 6)*

Threedy's point is cogent, but it is worth noting that pregnant women and African Americans are not mutually exclusive classifications. Though many black women are strong defenders of women's reproductive freedom (opposed to both forced sterilization and compulsory motherhood),[18] I imagine that few of them would find the pregnant-woman-as-slave metaphor compelling. They are more likely to place themselves in the role of a pregnant enslaved ancestor. Considering these "many thousands gone,"[19] enslaved women impregnated against their will by slaveholders or otherwise subject to an unwanted pregnancy that served the slaveholder's economic interests, it strains credulity to suggest that they would not recognize the difference between their condition as slaves and their experience of an unwanted pregnancy, except where the first led to the second.[20]

The ethics and the politics of abortion are deeply racialized as the case of Renae Gibbs illustrates. ProPublica reports the story as follows:

> In early 2007, a Lowndes County grand jury indicted Gibbs, a 16-year-old black teen, for "depraved heart murder"—defined under Mississippi law as an act "eminently dangerous to others … regardless of human life." By smoking crack during her pregnancy, the indictment said, Gibbs had "unlawfully, willfully, and feloniously" caused the death of her baby. The maximum sentence: life in prison. *(Martin 2014)*

Under the penumbra of anti-abortion activism, represented by legal practices such as this Mississippi statute, a mass incarcerating state threatens to extend its reach into the womb. There have been a deluge of such cases around the country where anti-abortion activism and a racialized war on drugs merge. The typical target has been black girls and women accused of abusing illegal drugs. Given the invidious construction of black womanhood, anti-abortion activism becomes a site (both old and new) for policing the bodies and capacities of black women, which threatens to subjugate them in unprecedented ways. I refer here not to some metaphorical slavery but to actual *penal slavery*: the only form of slavery, after the Fourteenth Amendment, that the Constitution sanctions. Here we confront the greatest irony; female descendants of enslaved women—who had little control over their reproductive capacities, whose wombs were converted into*fleshly capital* that made slaveholders wealthy—have been targeted by a racialized carceral state that despises their liberty.

Dreading the Dreaded Comparison

Thus far I have explored the analogy between the ethical status of black people and those of fetuses.[21] According to the new abolitionists, abortion, reproductive technologies, and stem cell research treat the fetus like a slave. Opponents of the unethical treatment of animals make a similar claim: humans enslave animals through factory farming, experimentation, as laborers, circus performers and the like. Marjorie Spiegel's *The Dreaded Comparison: Human and Animal Slavery* (1988) represents the most explicit and detailed example of this claim. Though her title refers to the general category of human slavery, the particular subject of her book is enslaved, subjugated, and oppressed black people. Spiegel posits a reciprocal, prototype/antitype, relation between enslaving black people and what she regards as the enslavement of animals. I am interested in the ways that humanizing animals becomes the flipside of animalizing black people. Does the animal as slave analogy affect historical constructions of black people as beastly—as livestock or wild animals, while dogs and cats are beloved members of the white family?

There are good reasons for dreading the "dreaded comparison." The analogy presents us with two ostensibly mutually exclusive options: amplify the status of animals, and construe them as subjects with rights, or "reduce" the status of humans, accenting our evolutionary commonality with other animals. As the scare quotation marks suggest, amplify and reduce are non-neutral terms. They have different ethical-political implications. As far as I can tell, these options pivot

on an invidious distinction between human and animal that is transhistorical and transcultural. Historically, I know of no human culture that did not make this distinction despite vast differences of degree. People of the totem such as Aboriginal Australians, American Indians, and some Africans may exhibit a greater intimacy with animals than most humans. But even when they venerate animals and imagine their deities in animal form, there is a hierarchical, if not invidious distinction between humans and animals (even if only some humans are regarded as truly human). Regarding the human/animal distinction, there is no categorical difference as far as I can tell between contemporary and prehistoric peoples, Western and non-Western, those with complex technologies and those with simple ones—that is, among hunter-gatherer, pastoral, agrarian, industrial, and postindustrial peoples. The human/animal distinction appears to be a human universal.[22] Evolutionary theory holds that animals including humans share a common ancestry. My use of the common terms humans and animals should not be read as rejecting the claim that humans are a species of animal.

Hortense Spillers's concept of pornotroping provides the lens through which I view Spiegel's argument. Pornotroping extends the term pornography to capture the interplay of power and desire—the visual display, before the slaveholder's gaze, of the captured and enslaved black body. The black captive body is splayed for pornotroping when external powers invest it with "an irresistible and destructive sensuality" and simultaneously reduce it to thing-hood. This paradoxical construction deprives the black body of a subject position and reduces it to physical, biological, and sexual expressions of otherness (Spillers 1987, 67). Reflecting on Spillers's brilliant marriage of pornography and tropology, Alexander G. Weheliye remarks, "How does the historical question of violent political domination activate a surplus and excess of sexuality that simultaneously sustains and disfigures such brutality? Or, what are the sexual dimensions of objectification in slavery and other forms of extreme political and social domination?" (Weheliye 2008, 67). These questions inform my inquiry as does a cautionary critique of male gaze theory. Drawing on the work of feminist critics who make a similar argument, Robert Schultz advises against reducing the male gaze to the pornographic. To paraphrase Kant, we should not regard the other as an object of desire only but as a subject also. To preserve space for the freedom of desire for men and women, where both are sexual subjects and objects, analysts should "distinguish the lover's gaze from the voyeur's" (Schultz 1995, 370–71, 375). In her comparative account of black enslavement and animal slavery, is Spiegel a lover or a voyeur? Does she distinguish between an ethical concern for the black other and pornotropic desire?

Despite the liberal, progressive, and left-of-center provenance of her analysis (she is an animal rights activist), Spiegel veers closely to the practice of pornotroping black bodies. This speaks to the ethical-political ambiguity and ideological promiscuity of pornotroping, which can express both subjugating and emancipatory desires. Through a focus on violent spectacle, she equates animal and black bodies. In her book, she presents sixteen coupled images that create an isomorphism between the black body in pain and animal bodies experiencing torment. The first couplet depicts slaves on an auction block in 1861 Virginia; beneath it is a picture of a Chicago

cattle market in 1868. The facing page provides dictionary definitions of racism and speciesism. Couplet two depicts the hot-iron branding of a cow and a black person. Following these images an enslaved black person suffers a metal mask-like contraption designed to punish recalcitrant slaves; on the facing page, a horse with its head covered with battle armor. The fourth image presents a muzzled dog and muzzled black slave side-by-side. The fifth set of images shows a shock collar used to train dogs and a metal collar used to control enslaved black people. Each photo is captioned: the first describes the joy that comes with a trained dog; the second describes the happiness that Negroes experience in the state of bondage, which perfects their true nature. The sixth black human/animal couplet presents an enslaved wet nurse with a white infant in her lap and "veal calves, separated from their mothers after birth." Like the enslaved wet nurse, their mother's milk will be consumed by humans who are not their offspring. The next set of images compares the production practices of egg factories to the gruesome practice of "tight packing" Africans on slave ships. Couplet eight displays tiny monkeys that died during transport to the site where they would be vivisected; opposite the moneys, enslaved Africans huddle in squatting positions similar to those who endured the middle passage of the transatlantic slave trade. The ninth and tenth sets of images: first, we see the tools of subjection, a "*speculum oris*, used to pry open the mouths of suicidal slaves" and a stereotaxic instrument that immobilizes animals for scientific experimentation; second, we see a syphilis infected chimpanzee juxtaposed to black victims of the Tuskegee syphilis study. Image couplets eleven through fifteen present the following: an enslaved African immobilized by a large spike collar, a rabbit immobilized for eye-irritation tests; rare breed chicks for sale, Negroes for sale; a black man bound to a stake being beaten, a fur hunter beating a seal pup to death; a monkey restrained in a laboratory, a pilloried enslaved black man.

The thirteenth set of images, which I describe out of sequence, is special. The Wedgwood anti-slavery cameo of a kneeling black man, hands bound in slavery and prayer, asking plaintively, "Am I not a man and a brother?" On the facing page stands a black hairy ape, from his neck hangs a sign that reads: "Am I a man and a brother?" This couplet juxtaposes anti-slavery sentiment with Darwin-inspired anxieties about the increasingly fuzzy distinctions between human and animal and between white and black. The final images are the masthead of William Lloyd Garrison's abolitionist newspaper *The Liberator*, the title emblazoned in capital letters; on the facing page, also in capital letters, the masthead of *The Abolitionist: The British Anti-Vivisection Magazine*. As if to underscore a perfect symmetry, the caption notes that the magazine's name was later changed to *The Liberator*.

Spiegel *pornotropes* the black body through these coupled images. She uses black subjugation and pain to capture our attention and redirect it to the suffering animal. Like rubber-necking drivers on the freeway, the carnage captures and, perhaps, enraptures us. This visual display of pain and suffering rivets our gaze as reliably and powerfully as images of naked bodies engaged in various sexual acts. In the titillated and repulsed gaze of the voyeur, the carnage and the desire become one. Sated, mute, and passive, the voyeur crowds out the lover, that is, the person

inspired to confront the awful practices of white supremacy. Pornotroping is a kind of pandering. In the service of animal rights, Spiegel pimps an eroticized violent desire for the black body. In addition to this nondiscursive, pornotropic presentation, Spiegel makes a discursive argument that centers on three major claims. The enslavement of African peoples and animal slavery are equivalent; no difference that makes a *genuine ethical* difference distinguishes them—racism and speciesism are morally equal. Constructing animals as brutes represents the flipside of the stereotype of the black brute; undermining one should undermine the other. While many black people died as a result of slavery (through capture, dangerous work, abusive punishment and neglect), far more animals die from their enslavement. Spiegel advances her claims explicitly and obliquely, discursively and non-discursively.

For the sake of argument, I will accept at face value the implicit claim that animals are enslaved. But an important question lurks about: Is animal slavery equivalent to the enslavement of black people? I should note that Spiegel does not explicitly say that animals and black people suffer identical forms of subjection. Often she evades explicit claims with argument by implication. As if cautioning herself against the urge to oversimplify, she observes that a "complex social, political, and economic" web determined the life of enslaved black people. In contrast, the sociality and political economy of animal subjugation is distinct. Without attributing an ethical significance, she acknowledges differences in agency: "between the possible manners in which blacks and animals could respond to their respective enslavements. But, as divergent as the cruelties and supporting systems of oppression may be, there are commonalities between them" (Spiegel 1988, 27–28). They are not identical but essentially the same, since the oppressor/oppressed relationship structures both.

Here we might press Spiegel with the following questions. Ethically speaking, do the commonalities of blacks and animals trump the differences? Is their shared essence a "high" common denominator or a "low" one?[23] Is Spiegel's caution against oversimplifying rooted in a difference that *should* make a difference in how we assess each kind of slavery and oppression? Answers to these questions would carry us toward a better understanding of her claim. Spiegel's answer seems definitive. The similarities between the ways white people treat black people and humans treat animals outweigh the differences. She rejects the notion that we should prioritize humans over animals in fighting subjugation; there is no good reason why blacks should be at the front of the line. Such thinking only reinforces the very powers subjugating black people. Though I do not accept the conventional distinction that some ethicists make between the moral and the prudential, Spiegel makes both kinds of argument: thus prioritizing the subjugation of black people over that of animals is wrong deontologically; also, it cuts against the best interests of black people, simultaneously undermining efforts to overcome their bondage and animal bondage. "To deny our similarities to animals is to deny and undermine our own power. It is to continue actively struggling to prove to our masters, past or present, that we are *similar to those who have abused us*, rather than to our fellow victims, those whom our masters have also victimized" (Spiegel 1988, 30).

One wonders about the "we" in this statement. Is this merely a rhetorical "we," or is Spiegel identifying with subjugated black people? Whatever the case, she clearly thinks that black people have more in common with animals than with white people. She obviously addresses black people rather than the entire class of humans when she remarks that trying to prove to "our" masters that "we" are similar is a losing proposition, if not a denial of solidarity with subjugated animals, which we (black people) *ought* to acknowledge. Spiegel implies that black people have ethical obligations toward animals—to avoid using them for food, work, research, or entertainment—that animals do not have toward each other or toward humans. This ethic demands more than those associated with any religious tradition I know. It reveals a paradoxical kind of human exceptionalism that requires a modification of my earlier claim. As subjects of enslavement/subordination, black people have more in common with animals than with white people. But as moral subjects (animals who can make promises, alter behavior in line with "moral oughts," and be held to account), black people have more in common with white enslavers than with animals subject to human domination. This ambiguity regarding the moral exceptionalism of humans troubles her argument.

So let us ask the question explicitly: are racism and speciesism ethically equivalent? Spiegel's argument depends on asserting that they are. Consider the following definitions that she provides at the outset of the book (1988, 7):

> racism (rā′ siz əm), n. 1. A belief that human races have distinctive characteristics that determine their respective cultures, usually involving the idea that one's own race is superior and has the right to rule others. 2. A policy of enforcing such asserted right. 3. A system of government and society based upon it.—*rac′ ist, n., adj.*
>
> speciesism (spē′ shēz iz əm), n. 1. a belief that different species of animals are significantly different from one another in their capacities to feel pleasure and pain and live an autonomous existence, usually involving the idea that one's own species has the right to rule and use others. 2. A policy of enforcing such asserted right. 3. A system of government and society based upon it.—*spe′ cies ist, n., adj.*

Spiegel appears to have chosen these definitions for their symmetry. This makes sense insofar as speciesism depends on the prior definition of racism. But one could clearly imagine nonsymmetrical definitions. Despite their symmetry an important difference appears immediately. Though speciesism refers to all animal species, only humans are *subjects of the concept*; only human animals are epistemically responsible for acts of speciesism. The definitional symmetry of racism and speciesism conceals this fact. This is no small matter. As objects of racist subjugation, black people are also subjects who can discourse with white people and make ethical demands.[24]Animals are not subjects in this sense; they are moral objects but not moral subjects. Should this lack of moral subjectivity matter? One might argue that infants and young children lack moral subjectivity but that does not affect our obligations to them. Often teleologically based, this claim holds that infants and young children, excluding abnormal

circumstances, do become moral subjects. Moral subjectivity is their proper *end*. We acknowledge a class of humans (anencephalics) who because of severe cognitive disability do not become moral subjects. As with infants, the teleologically based argument applies in such cases. Though disabilities disrupt the proper end of the disabled, many regard that end as sufficient to extend to them the umbrella of moral subject and establish our obligations to them. Unlike animals, the telos of "normal" human development is epistemic responsibility, the ability to make and keep promises—moral subjecthood.

Not everyone accepts this cognitive, epistemic, and subject-centered notion of moral obligation. On this contrary view, the inarticulate cry of animals establishes their interests and the moral obligations of humans. Indeed, far from inarticulate, this cry tells us that the animal hurts. The animal's attempt to escape the pain tells us all we need to know. Within the limits of the animal's cognitive and emotional capacities, we can reasonably infer that suffering accompanies pain. As indexical signs, their cries signify pain and distress. So while animals may not be moral subjects in an epistemic sense, they are moral subjects insofar as they are sentient beings. Relocating moral subjectivity from epistemic capacities to experiences of pain and suffering brings the concepts of racism and speciesism closer. But an important and, perhaps, insuperable gap remains. Humans—black people specifically, since they bear the marks of race paradigmatically[25] —suffer in ways animals do not. As far as we know, only humans experience humiliation and dishonor. Their traumatic effects may exceed the pain of a red-hot branding iron or the loss of a foot or limb as punishment. In *Roots*, Alex Haley's fictionalized genealogy of his family, Toby Reynolds, Haley's enslaved African ancestor, loses his foot. But the greater trauma by far is the loss of his African name—Kunta Kinte—and the African geographies, traditions, ceremonies, rites, ancestors, and gods integral to the name. Here we enter the distinctively intrahuman space of dishonor, the complex, sign-mediated territory of humiliation, degradation, and abjection. Recall Patterson's remarks regarding the constitutive relation between dishonor and slavery.

So far our account has shown that the concept of speciesism encodes the paradox of human exceptionalism: both the claim that humans, in the relevant sense, are just like other animals and the claim that humans (read: black people) have moral obligations that other animals do not. We may be squeamish about the predation we see among animals but most thoughtful humans do not construe such behavior moralistically. We regard predators such as spiders, snakes, and lions as simply doing what they have evolved to do. Humans are products of evolution too. We do what we evolved to do. Part of our evolutionary inheritance is the physiological infrastructure to communicate through symbolic language. What makes humans highly distinctive among animals (one hesitates to say unique) is the practice of ethics, a product of our sign-mediated sociality and cultural evolution. Even though humans are animals, we have the capacity to act against our biological dispositions in ways that other animals do not. We can describe some evolutionary dispositions as bad. We can legally and morally sanction evolved behaviors and foster habits that are counter-evolutionary and thus revolutionary. We can choose not to eat meat or, at the very

least, under optimal circumstances, to eat much less. Spiders, snakes, and lions—three kinds of predators—do not have these choices. But as cognitively gifted omnivores, human predators are morally exceptional. They can make promises and orient their expectations if not their behavior in terms of what ought to be.

The paradoxical quality of Spiegel's argument has something to with her ambivalence regarding the two sides of the Darwinian-inflected argument she makes. On the one side, she rightly notes that the theory of common ancestry and descent with modification undermines the conventional argument employed by racists regarding the divergent (polygenetic) origins of whites and blacks who, on this view, descend from pre-Adamite stock. On the other side, she suppresses what Darwin clearly recognized: that organic life lives at the expense of organic life; to be explicit, some animals eat other animals. Second only to bacteria, humans are at the top of the food chain. Humans have evolved in such a way that they can eat virtually every kind of animal. Humans are the ultimate predators. While Spiegel insists on regarding humans as animals, she does not reflect on our evolutionary heritage as predators. Further, she ignores the pain and suffering of animals in the bloody jaws of other animals. She does not explain why this behavior differs from human behavior. Spiegel's normative claim that humans should not enslave animals encodes assumptions about animals and humans that she does not acknowledge, much less detail. Indifference, cruelty, and species-regard (what she invidiously calls anthropocentrism and speciesism) are surely part of the evolutionary development of humans in the same way that herding, hiving, swarming, and other social behaviors are part of the evolutionary heritage of animals. Yet, she does not reflect on human obligations to animals in light of this bloody fact; nor does she tackle the difficult question of "animal ethics"—do animals have moral obligations to other animals including humans? Given Spiegel's unacknowledged and thus unreflected human exceptionalism, she does not even pose the question. She does not explain why preferential regard for the human species—which grows concentric circle by circle from a preferential regard for self, offspring, and kin to tribe, nation, and cosmopolis—is different than the preferences other animals have (assuming they do) for their species. Specifically, how do the species-regard and concentrically nested preferences of humans differ from those of bonobos or giraffes? Spiegel's claim depends on answers to these questions. She does not provide any.

Spiegel piles one paradox on another. She criticizes black people for dreading the dreaded comparison between them and animals.[26] She claims that such dread expresses the speciesism of black people. On this view, black speciesism is equivalent to endorsing racist characterizations of Mexicans, Vietnamese, or other subdominant "races," of distinguishing black people from "inferiors" while identifying with the dominant white race they perceive as more like them. Rather than looking down their anthropocentric qua racist noses, black people should resist the brutish and beastly construction of animals.[27] Insofar as they do not, they reinforce the brutalizing and beast-making practices of white supremacy. In their misplaced desire to assimilate into the white human mainstream, black people betray their obligations to fellow victims when they ratify invidious constructions of animals. This ratification boomerangs and

intensifies brutalizing and beast-making practices under which animals and black people alike continue to suffer. Speaking from the position of privilege (dare I say white supremacy), Spiegel is remarkably unsympathetic toward efforts of black people to resist racist constructions of them as brutish animals. She deems their "we're human too" resistance as speciesist, as collaborating with slaveholders in denigrating animals. Her racial privilege and ethical-political naiveté is on full display when she criticizes Sterling Brown's classic essay, "Negro Character as Seen by White Authors" (1933), as *collaborating with the enemy*. She claims that Brown strengthens the negative views expressed by these racist authors when he disparages the correlations of good slave and docile mastiff, bad slave and mad dog. "Brown's 'mastiffs,' 'mad dogs,' and 'gorilla-like imbeciles' reveal not only the predilections of the authors whose work he critiques, but of Brown himself" (Spiegel 1988, 36). In short, black people such as Sterling Brown are simultaneously too sensitive and not sensitive enough. They are offended by the wrong thing. By virtue of the fact that their ancestors suffered enslavement and their descendants the effects of white supremacy, black people should be especially sensitive to the abuse of animals; they should recognize correlations between the black experience and the animal experience; moreover, they should not dread comparisons of them and animals. Realizing perhaps the controversial nature of these claims, she dandles them before the reader as implication and writes them between the lines of her explicit argument.

Spiegel demands moral heroism of black people. A special concern for animals should characterize their fight against white supremacy. They should acknowledge a shared animality and subjugation to (white?) humans. Spiegel's expectations are naïve and blameworthy. Reading her analysis, one might think that black people made choices in the relatively safe space of the university, salon, or coffee house. The reader might conclude that black people chose the discursive conditions under which they contested white supremacy. The reader might even conclude that black people had the luxury of taking their humanity for granted in a context where the attribution or denial of humanity was a powerful form of ideological capital, where white people routinely described black people as animals, and those descriptions had life and death consequences. Acknowledging Spiegel's genuine concern for animals, the discerning reader might conclude that white privilege is blind.

If the escaped slave represents the prototypical criminal in the American imagination, then the flipside of criminalizing black people is animalizing them. The train of associations runs from escaped slave, to criminal, to animal, or animalistic criminal, as the case may be. It is crucial to remember that Spiegel's comparison is not between animals and generic humans but between animals and *black* people.

> The suffering animals currently endure at the hands of human beings in laboratories, on "factory farms," as pets, and in the wild, sadly parallels that endured by black people in the antebellum United States and during the lingering postbellum period. The parallels of experience are numerous. Both humans and animals share the ability to suffer from restricted freedom of movement, from the loss of social freedom, and to experience pain

> at the loss of a loved one. Both groups suffer or suffered from their common capacity to be terrified by being hunted, tormented, or injured. Both have been "objectified," treated as property rather than as feeling, self-directed individuals. And both blacks, under the system of slavery, and animals were driven to a state of total psychic and physical defeat, as a result of all or some of the variables mentioned above (With animals, of course, this continues today in its most extreme form.). *(Spiegel 1988, 31)*

In this passage and in her argument as a whole, Spiegel makes three claims: racism and speciesism are morally equal; brutish animals and the *black brute* are two sides of the same stereotype; and while there are striking parallels between the black experience and the animal experience, the latter currently suffer more. Where white slaveholders punished black people for insolence, dairy farmers slaughter cows. If slavery ripped apart the families of enslaved black people without a second thought, then imagine the untold suffering caused by the destruction of the familial and social relations of animals. Where enslaved Africans suffered immensely during the middle passage, slaughter often awaits animals at the end of their journey (Spiegel 1988, 44, 46, 58). If *patrollers* hunted runaway slaves like rabbits (and like their animal namesakes—*ape*, *buck*, *coon*, *fox*, and *monkey*, and if "nigger hunters" targeted black people during the Nadir (1880–1940) but with decreasing regularity since that high tide of white terror, then animal suffering at the hands of human predators is greater by several orders of magnitude (Spiegel 1988, 33, 60–61). Through studies such as *Bad Blood* (1981), *Medical Apartheid* (2006), and *The Immortal Life of Henrietta Lacks* (2010), we have become familiar with the history of medical experimentation on black people. But if black people were "the first laboratory animals in America," then medical experimentation on animals represents a gruesome perfection of the practice (Spiegel 1988, 66–67, 70). In Spiegel's account, black suffering (from slavery to the lynching of James Byrd, Jr. to mass incarceration) is a pretext, a tactic for leveraging the even greater suffering of animals.

Spiegel engages in genuine comparative moral inquiry but the emotional weight of her analysis rests with animals rather than black people. She is an animal rights activist, not an anti-racism activist. This may have something to do with the temporal asymmetry in her account. Beyond living memory, the suffering of enslaved Africans lacks urgency. In contrast, animals are currently enslaved, the intensity of which has grown exponentially with the advent of factory farming. Though animals suffered under older preindustrial regimes of enslavement, they suffer even more today on the farm and in the laboratory. While the enslavement of black people reminds us of a shameful past, we encounter animal slavery as a morally and existentially urgent present. As an indexical sign, the enslavement and suffering of black people *in the past* points to the *present* suffering of animals.

Conclusion

For the sake of argument, I used Spiegel's language of animal slavery as if it were not controversial and possibly self-evident. I suspect, however, that the reader has discerned

skepticism in my account. I am deeply troubled by Spiegel's lack of sympathy, insight, and compassion regarding black people's dread of the "dreaded comparison." She exhibits a distressing lack of self-consciousness regarding her privileged "subject position." She speaks from the position of *mastery*—the vantage point of the slaveholder, the ruling class, of those defined as racially normal—that white supremacy created. This may explain the curious lack of context, tone-deafness, and ahistoricism of an ostensibly historical and comparative account of black and animal subjugation. She ignores the ideological contexts of the ethical-political choices that black people made; the subject position the discourse of white supremacy assigned them; the implication of that assignment for how black people might understand their relations to animals. Recall her blithe dismissal of Sterling Brown's brief against animalizing black people. Black people such as Brown are simply collaborators in treating animals unethically. Victimized by a white supremacist commonwealth, they should know better than to engage in similar practices. She regards their behavior as particularly blameworthy. Again, this view displays a remarkable lack of sympathy regarding the discursive conditions[28] under which black people fought the animal-making practices of white supremacy. The fact that Alice Walker wrote the preface to Spiegel's book does not mitigate my negative judgment.

Spiegel clearly intends to elevate the status of animals by making the dreaded comparison less dreadful, an ethical goal that I support. But this goal will not be achieved so long as white animal rights activists ignore their subject position and disregard the history of animalizing black people in a white supremacist and beast-making society. In the interest of animals, they need to do the requisite moral work; the kind of work that Spiegel and most white animal rights activists have not done. They need to place the burden of this moral work where it properly belongs. They need to recognize the immense ideological work of the dreaded comparison in subordinating black people and do the requisite work to combat it. Hectoring black people for their insensitivity or chiding them for hypersensitivity is the wrong strategy. In the absence of such moral and ideological work, I worry about the diminution if not the subordination of black suffering. I worry that standard forms of animal rights advocacy unintentionally animalize black people.[29] The brutalizing and beast-making rhetoric of PETA in the wake of the Michael Vick affair is illustrative. PETA animalized Vick even as they humanized the dogs that he abused and killed. This discursive symmetry forcefully reminds us of how dreadful the dreaded comparison can be. Melissa Harris-Perry underscores a historical source of this dread, which produces disparate perceptions among black and white Americans about the Michael Vick affair. She remarks that dogs "were used by enslavers to catch, trap and return those who were trying to escape to freedom. Dogs were used to terrorize Civil Rights demonstrators. In short, animals have been weapons used against black bodies and black interests in ways that have deep historical resonance." She adds: "Not only have animals been used as weapons against black people, but many African Americans feel that the suffering of animals evokes more empathy and concern among whites than does the suffering of black people" (Harris-Perry 2010).[30] At issue is the historical and comparative ethical-political status of black people and animals in the moral

imagination of white people. Are black people less than dogs? Are they entitled to less sympathy and solicitude?

Despite my criticism of Spiegel's argument, I reject the view that the enslavement of black people should not be used as a metaphor. But it should be done skillfully and with care. The rhetorical use of slavery to describe the ethics of abortion, reproductive freedom, and the treatment of animals does not necessarily trivialize the enslavement of black people. In the hands of someone with more insight than Spiegel (or PETA's Ingrid Newkirk), this rhetoric might very well expand our moral imagination and enhance our deliberations about important ethical matters. However, when the rhetor is inept, the rhetoric of slavery—animal, pregnant woman, or fetus—may trivialize the historical enslavement of black people, their experience of neo-slavery in the post-emancipation south, and successive regimes of subordination that extend to the current era of colorblind racism and mass incarceration. The slavery metaphor may feed the American disposition toward historical forgetfulness, the habit of denying or otherwise minimizing injury. Regarding the not so hidden injuries of racism structured by white supremacy we see a persistent desire to change the subject among historians, politicians, and producers of American popular culture. Right-wing opponents of reproductive freedom and left-wing opponents of the unethical treatment of animals sometimes exhibit the same dis-ease. They deny important distinctions between born and unborn, human and animal, between slavery as a historical phenomenon and slavery as a metaphor. With unethical silence, radical animal rights advocates conceal the predatory similarities between humans and animals. Meanwhile, abortion opponents exaggerate the similarities between fetus and slave. I acknowledge the sincerity and moral passion of some who construe the fetus as slave to the desires of the mother and abortion doctors. But the analogy is weak and troubled by too many complications. Comparatively speaking, though skeptical of the notion, I find the argument for animal slavery more compelling. Slavery signifies in ways that they (ethical rhetoricians) and we can neither anticipate nor control. As terministic screen, the word “slavery” directs our attention in ethically significant ways. Does it humanize animals or animalize black people? Does it elevate concern for the fetus or distract us from catastrophic black infant mortality rates and a historical disregard for the wellbeing of black children? There are good reasons to be suspicious of the ethics of slavery as ethical rhetoric. Though its use may not always be wrong, slavery as ethical rhetoric will always be controversial.

Footnotes

1. People of African descent use a number of self-descriptors. My use mirrors that fact. Thus I use African, African American, black people, people of African descent, Blackamerican, and Negro.

2. By “African,” I refer to those whose phenotype historically fall under the categories of Negro, Negroid, and black, as well as those who do not conform to the “standard phenotype” but are regarded as African-descended nonetheless.

3. Ham is interpreted as having or desiring to have carnal knowledge of his father.

4. Goldenberg does not consider the role of white supremacy in constructing this preference. He treats as an antecedent what arguably, until shown otherwise, should be regarded as an artifact of colonial encounters between Europeans who described themselves as white and the natives they encountered as colored. This naïve acceptance of the data in a context crying out for critical race inquiry represents a glaring deficiency.

5. While agreeing that Goldenberg achieves his stated goal of defending the biblical text from attributions of racism, Harrill (2004, 511–12) notes that there are stereotypical, hypersexualized images of Ethiopians in patristic Christian literature and that monastic stories were not neutral sources for representing people of African descent. Though Harrill does not address this issue, attribution of hypersexuality to Ethiopians certainly prefigures a common element of modern racialized antiblackness. See Brakke 2001.

6. While praising Goldenberg's account, one reviewer notes that he does not address the question of why "(occurring somewhere between the 2nd century BCE and the 2nd century CE) the rabbinical and then the patristic writers began to firmly attach blackness to the slave state" (Miller 2005, 833).

7. In a devastating review, Jonathan Schorsch criticizes Goldenberg for an "inability to see the forest for the trees." He sees clearly that "the Bible is not the source of antiblack racism" (Schorsch 2007, 169). However, this blinds him to the antiblack ethnocentrism and racism that characterize Schorsch's sources. The following is one of his more trenchant remarks: "Goldenberg's positive reading of rabbinic material contradicts his own evidence, which shows that many Greco-Romans and thinkers from all three post biblical monotheisms held antiblack views, whether metaphorical, somatic, ethnic, or some combination thereof. Goldenberg's discomfort with considering negative meanings of blackness is surprising in light of his own admission that throughout the postbiblical world, including Judean spheres, 'most Blacks, as foreigners in general, were slaves' (134). It makes one wonder how convincing it is to argue that such denigrating attitudes had no sociopolitical ramifications. I am amazed to learn, for example, that the 'accumulating negative effects of Black-as-sinner-or-devil exegesis'—based on classical climatic notions, among other things (i.e., that blacks were lowly, cowards, ugly, deformed by their environment—does not 'reflect an antipathy toward black Africans' (51). Goldenberg himself concludes, after much back-bending dismissal, that the trope of the accursed Ham as a black 'certainly dates to the fourth century (R. Joseph; redaction of the Palestinian Talmud), probably to the third century (Marqe), and possibly to the second or third century (tannaitic etiology)' (156). It is astounding to me that Goldenberg concludes that medieval Arabic and early modem English sources wielded blackness as an ethnic identifier but that rabbinic sources using the originally ethnic term 'Kushite' referred only to somatic color (198)" (Schorsch 2007, 170).

8. I do not agree with Graber's view of how constitutional evils such as slavery should be handled. See Robin L. Einhorn's (2006) review of Graber.

9. *Dred Scott v. Sandford*, 60 U.S. 393 (1857), at 407 (emphasis added).

10. Some might argue that the dead are not subjects of rights even in this limited sense. If there is a right lurking about, then it the right of the living—surviving family members, friends, and others—not to be offended by such practices.

11. Among states that have experienced agitation for a personhood amendment are Alabama, Colorado, Iowa, Mississippi, North Dakota, and Oklahoma.

12. For an illuminating essay on the ideological complexities surrounding the black female body and the black fetus, see Bridges 2002. Bridges shows how the sale of fetal tissue is likely to have disproportionately negative, market-subjugating effects, on black women. Their greater economic vulnerability makes it more likely that they will be enticed to sell their body parts and fetuses. The purported concern with the black fetus expressed by some groups, she argues, is belied by their and society's lack of concern for black infants and children (2002, 156–57).

13. For an interesting account of the complexities of abortion and race, see Beisel and Kay 2004.

14. For examples of the debate, see J. Allen 2008; Edwin 1994; McFadden 1999; Pollitt 2004; and Buckley 1997.

15. For an example of this kind of argument, see Kuswa, Achter, and Lauzon 2008.

16. The authors of "The Slave, the Fetus, the Body," who construe unwanted pregnancy and compulsory motherhood as "involuntary servitude," are clearly aware of this issue. See Kuswa, Achter, and Lauzon 2008, 178, 182.

17. This is a variation on William James's trope of "moral holiday."

18. For an essay on the dangers of equating pregnancy and motherhood, see Hanigsberg 1995. "The political and legal constructions that pit women's self-interest, and assert that this interest must be a unified and fixed one, against a concern for "fetal life" fundamentally misconstrue the relationships of women to their own bodies and to intrauterine life. By envisioning women as uniform containers that may be emptied at will, the law ignores and perhaps destroys any concept of women's bodily integrity, nullifies the role of the mother, and at the same time, paradoxically establishes women's bodies as always maternal" (1995, 417).

19. This phrase comes from the Negro Spiritual "No More Auction Block for Me" and is also the title of an essay by James Baldwin. See Baldwin 1955.

20. For the most comprehensive account of black women and the politics of reproduction, see Roberts 1997.

21. Again, let me emphasize the obvious: that all black people were once fetuses, even if the fetus is often racialized as white.

22. I am willing to be corrected but know of no evidence to the contrary.

23. Drawing on Judaism and Christianity, a high common denominator would be the notion that all sentient organisms bear the image of God. This view would require a reconstruction of traditional Jewish and Christian notions of humanity, animality, and divinity.

24. There is an interesting debate among bloggers on the issue of racism and speciesism. A self-described "white-skinned (half-Persian by birth), queer, feminist vegan," Katrina Fox believes that one can argue for veganism and animal rights from an intersectional position. See Fox 2011.

25. In an economy of visibility (blackness/deviance) and invisibility (whiteness/normality), blackness bears the marks of race.

26. There is quite a debate among vegans in the blogosphere regarding the animal welfare, rights, and abolitionist practice of comparing the treatment of animals and black people. Among the more interesting is the website "Animal Writes." The post in question was published on Saturday, November 22, 2008 under the title: "Privilege: The U.S. Vegan Movement, Whiteness, and Race Relations (part 1 & 2)" with the byline Sistah Vegan. The author criticizes the insouciance regarding the black/animal comparison and blindness to their own white privilege of animal rights activists such as Ingrid Newkirk of PETA. The author laments the way that black vegans are rendered invisible. She remarks that "the neutrality of the word and idea of 'animal' for white middle-class animal advocates means something quite different to people of color who are always at risk of not being fully human in our racist society. Thus, when white vegans say that because they are not offended at being compared to animals neither should people of color, they equivocate between two grossly different contexts." Here she quotes another vegan of color: "Many white folks are perfectly happy to insist that they have no problems at all being compared to animals—but it is not white folks that are being killed on genocidal turkey shoots either … this comparison of brown human beings to animals/insects, is not something in the past that is occasionally drawn on to make a point. [It] is something that exists in the very fabric of our current society and as such, carries very real repercussions" (Animal Writes 2008).

27. For a similar view, see Roberts 2008. Roberts defines animalization as "the process of consigning humans to the status of 'beast'—a consignment that often subjects them to

mastery, domination, exploitation, and in the worst cases, slaughter." This process is based on the presumed inferiority and brutality of animals and their relative proximity of some human groups (2008, ix–x).

28. I have Foucault's technical account of discursive formations in mind. See Foucault 1972.

29. The Facebook page of Abolitionists Against Animal Slavery shows shackled Africans (a scene from the movie *Amistad*) juxtaposed to an image of shackled elephants. Ostensibly progressive sites such as this are oblivious if not consciously insensitive to the animalization of black people. They behave as if these images appear in a racially neutral context, as if white supremacy does not exist. http://www.facebook.com/pages/Abolitionists-Against-Animal-Slavery/150299344986775 (accessed 02/18/2013).

30. For a different if not opposing view, see Hribal 2007. While Vick was animalized, PETA was in litigation regarding the personhood of orcas. See PETA 2012 and Todd 2012.

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